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DOC #:
DATE FILED: 10/1/2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rahson Staples

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Police Officer Benitez (shield #1238)
Police Officer Brian Booth (shield #17660)
The City of New York

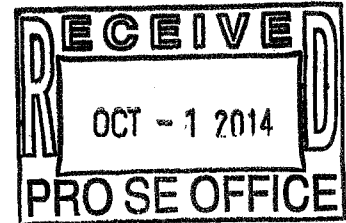
AMENDED
COMPLAINT

under the Civil Rights Act,
42 U.S.C. § 1983

Jury Trial: ☒ Yes ☐ No
(check one)

14 Civ. 2046 (AT)-FM

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name Rahson Staples
ID# 14 B 1321
Current Institution Marcy Correctional Facility
Address P.O. Box 3600
Marcy, N.Y. 13403

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Police Officer Benitez Shield # 1238
Where Currently Employed Transit Bureau 34
Address N/A
New York

Defendant No. 2 Name Police Officer Brian Booth Shield # 17660
 Where Currently Employed 79th Precinct
 Address 263 Tompkins Avenue
Brooklyn, New York 11216

Defendant No. 3 Name City of New York Shield # N/A
 Where Currently Employed City of New York
 Address 1 Centre Street
New York, N.Y. 10007

Who did
what?

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

Subway Station Platform - 59th Station
-(Manhattan Bound B Train) Brooklyn New York.

B. Where in the institution did the events giving rise to your claim(s) occur?

This Plaintiff Assaulted by Officers on Subway Platform
of 59th Subway Station - Brooklyn New York

C. What date and approximate time did the events giving rise to your claim(s) occur?

Assault of Plaintiff and False Arrest occurred
on or about June 1, 2012 (during afternoon travel).

D. Facts: Mr. Staples (i.e. This Plaintiff) was returning
home from his Prayer at Bay Ridge Masjid/Mosque,
When Plaintiff had a Grand Mal seizure on the subway
platform at 4th Avenue and 59th station. The First thing I

What
happened
to you?

(i.e. Mr. Staples) remembered ^(my) was being kicked by Police Officers Benitez and Booth (about the body) as I was regaining my Composure on the ground of Platform. Officers Demanded that Mr. Staples Immediately get his Stupid Muslim Ass up off the ground (Mr. Staples) was dressed in his Prayer Clothes - Jaaalbiyah. Officer Benitez stated "You didnt get up Fast enough" (i.e. referring to this Plaintiff) and slammed Mr. Staples back on the ground causing Mr. Staples to hit his head, due to lack of Resisting on Mr. Staples part. Both officers began hitting as well as Bludgeon Mr. Staples in The (Center) top of Mr. Staples head with radio (walkie talkie, slapjack, etc.) while Mr. Staples was Face Down on the ground. Angle of Injury will Substantiate This Fact! This injury was Deliberate as Mr. Staples was helpless. Mr. Staples woke up in Hospital shackled after being beaten Unconscious by Officers Benitez and Booth (whom obviously didnt know that Mr. Staples was Simply recovering from a Grand-Mal seizure when officers found him on the ground). Mr. Staples wasnt ever Physically combative (as insinuated) and couldnt even sign consent for Treatment due to being in and out of consciousness. After Officers Found out and Verified that Mr. Staples has a extensive History of Epilepsy - officers un-vouchered Plaintiffs Property (From Station) had a car bring it to him at Hospital and released him. There is III. Injuries: no legitimate Justification for Plaintiff to be egregiously assaulted by Police, held shackled for 12+ hours and receive Staples in The Head for a seizure. If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Was anyone else involved?

Who else saw what happened?

Due to These Officers Brutality, Misconduct, Discrimination, and "Hate Crime" (Attack), Mr. Staples Now had to ① Have Staples put in Plaintiffs Head to help close Serious Unnecessary Head Injury ② Mr. Staples now has unsightly Permanent Scar ③ Mr. Staples Now has Severe Migraines (Consistently), Black Outs, Pain and Suffering (Daily) Emotional Distress, Mental Anguish, and Extreme Frequency (increased) seizures episodes which require Mr. Staples to take a New Additional seizure Medication (Keppra) with his Dilantin. ④ Mr. Staples can no longer travel alone (without travel companion) per - Medical Doctor Diagnosis! We have All Legal/Medical Documents To Substantiate This Complaint! IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No ☒

This Assault by These Officers occurred on The Street (Before any legal issue)!

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes _____ No _____ Do Not Know _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No _____ Do Not Know _____

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes _____ No _____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No _____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve?

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Initial Lack of Knowledge of Rights, hindered an earlier claim. As well, Mr. Staples was waiting for a Decision from specific Attorney to obtain Records, and (last but not least) Mr. Staples Obvious Incapacitation to Personally address any Legal Issues Properly.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). For The "Severe" Physical Injuries incurred, which include Constant and Severe Migraine Headaches, Blurred Vision and "Black Outs"! Mr. Staples is seeking Damages in The Amount of 5 million Dollars. For Plaintiffs (unsightly) Permanent scar (from Head wound which required Staples to close), Irreversible Brain Damage (which caused Substantial Increased Frequency of Seizure Episodes along with Necessitation of Additional New Medication, and Implementation of The Need For A Constant Travel Companion) Emotional Distress, Pain and Suffering and Mental Anguish. Mr. Staples is Seeking Damages in The Amount of 5 million Dollars. And For Punitive Damages Mr. Staples is seeking Damages in The Amount

of 2 Hundred Thousand Dollars. This Plaintiff Implores This
Court to institute Best Practices and Rule In Favor of
This Plaintiff.

VI. Previous lawsuits:

On
these
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
 Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
 Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25 day of September, 2014.

Signature of Plaintiff

Rahson Staples

Inmate Number

14R1321

Institution Address

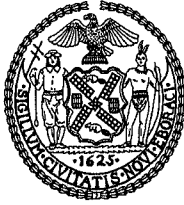
Marcy Correctional Facility
P.O. Box 3600
Marcy, N.Y. 13403

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 25 day of September, 2014, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Rahson Staples



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

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Corporation Counsel

MATTHEW BRIDGE
Assistant Corporation Counsel
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mbridge@law.nyc.gov

August 1, 2014

BY E.C.F.

The Honorable Frank Maas
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Rahson Staples v. Police Officer Benitez, et al.
14 Civ. 2046 (AT) (FM)

Your Honor:

I am an attorney in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and one of the attorneys assigned to the defense of the above-referenced case. This office writes in response to the Court's order issued on May 5, 2014, directing the Corporation Counsel to ascertain the identity of the John Doe police officer who was on duty with Officer Benitez in the 59th Street subway stop in Brooklyn on the afternoon of June 1, 2012, and the address at which that person may be served. (Docket Entry No. 5).

Upon information and belief, the correct name and service address for this individual is as follows:

Detective Brian Booth, Shield # 17660
79th Precinct
263 Tompkins Avenue
Brooklyn, NY 11216

In accordance with the Court's May 5, 2014 Order, a copy of this letter has been sent to Plaintiff at the address below.

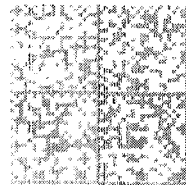
MARCY CORRECTIONAL FACILITY

BOX 3600

MARCY, N.Y. 13403-3600

NAME: Rabson Staples D

MARCY CORRECTIONAL FACILITY



1007J82010343

\$00.900

09/29/2014

Mailed From 13403
US POSTAGE



⁹⁰Pro Se Clerk
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007
1000731330

LEGAL MAIL

